



General Assembly

Raised Bill No. 5290

February Session, 2006

LCO No. **1095**

01095_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING NOTICE REQUIREMENTS FOR LAND USE APPLICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-7d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In all matters wherein a formal petition, application, request or
4 appeal must be submitted to a zoning commission, planning and
5 zoning commission or zoning board of appeals under this chapter, a
6 planning commission under chapter 126 or an inland wetlands agency
7 under chapter 440 and a hearing is required or otherwise held on such
8 petition, application, request or appeal, such hearing shall commence
9 within sixty-five days after receipt of such petition, application,
10 request or appeal and shall be completed within thirty-five days after
11 such hearing commences, unless a shorter period of time is required
12 under this chapter, chapter 126 or chapter 440. Notice of the hearing
13 shall be published in a newspaper having a general circulation in such
14 municipality where the land that is the subject of the hearing is located
15 at least twice, at intervals of not less than two days, the first not more
16 than fifteen days or less than ten days and the last not less than two

17 days before the date set for the hearing. In addition to such notice,
18 such commission, board or agency may, by regulation, provide for
19 additional notice. Such regulations shall include provisions that the
20 notice be either mailed to persons who own [or occupy] land that is
21 immediately adjacent to the land that is the subject of the hearing or be
22 provided by posting a sign on the land that is the subject of the
23 hearing. For purposes of such additional notice, (1) proof of mailing
24 shall be evidenced by a certificate of mailing, and (2) the person who
25 owns land shall be the owner indicated on the property tax map or on
26 the last-completed grand list as of the date such notice is mailed. All
27 applications and maps and documents relating thereto shall be open
28 for public inspection. At such hearing, any person or persons may
29 appear and be heard and may be represented by agent or by attorney.
30 All decisions on such matters shall be rendered within sixty-five days
31 after completion of such hearing, unless a shorter period of time is
32 required under this chapter, chapter 126 or chapter 440. The petitioner
33 or applicant may consent to one or more extensions of any period
34 specified in this subsection, provided the total extension of all such
35 periods shall not be for longer than sixty-five days, or may withdraw
36 such petition, application, request or appeal.

37 (b) Notwithstanding the provisions of subsection (a) of this section,
38 whenever the approval of a site plan is the only requirement to be met
39 or remaining to be met under the zoning regulations for any building,
40 use or structure, a decision on an application for approval of such site
41 plan shall be rendered within sixty-five days after receipt of such site
42 plan. Whenever a decision is to be made on an application for
43 subdivision approval under chapter 126 on which no hearing is held,
44 such decision shall be rendered within sixty-five days after receipt of
45 such application. Whenever a decision is to be made on an inland
46 wetlands and watercourses application under chapter 440 on which no
47 hearing is held, such decision shall be rendered within sixty-five days
48 after receipt of such application. The applicant may consent to one or
49 more extensions of such period, provided the total period of any such
50 extension or extensions shall not exceed sixty-five days or may

51 withdraw such plan or application.

52 (c) For purposes of subsection (a) or (b) of this section and section 7-
53 246a, the date of receipt of a petition, application, request or appeal
54 shall be the day of the next regularly scheduled meeting of such
55 commission, board or agency, immediately following the day of
56 submission to such commission, board or agency or its agent of such
57 petition, application, request or appeal or thirty-five days after such
58 submission, whichever is sooner. If the commission, board or agency
59 does not maintain an office with regular office hours, the office of the
60 clerk of the municipality shall act as the agent of such commission,
61 board or agency for the receipt of any petition, application, request or
62 appeal.

63 (d) The provisions of subsection (a) of this section shall not apply to
64 any action initiated by any zoning commission, planning commission
65 or planning and zoning commission regarding adoption or change of
66 any zoning regulation or boundary or any subdivision regulation,
67 except that (1) for any proposed significant change of a zoning
68 boundary or a significant change to a permitted use or density limit in
69 one or more specified zones, the zoning commission or planning and
70 zoning commission shall provide, by regulation, for notice by mail of
71 any public hearing on such change to persons who own land that is the
72 subject of the hearing or who own land immediately adjacent to the
73 land that is the subject of the hearing; (2) for any proposed change of a
74 zoning regulation not subject to subdivision (1) of this subsection, the
75 zoning commission or planning and zoning commission shall provide,
76 by regulation, for notice by mail of any public hearing on such change
77 to persons who own land the commission reasonably determines to be
78 potentially significantly impacted by such proposed change; or (3) for
79 any proposed change of any subdivision regulation, the planning
80 commission or planning and zoning commission shall provide, by
81 regulation, for notice by mail of any public hearing on such change to
82 persons who own land the commission reasonably determines to be
83 potentially significantly impacted by such proposed change. For

84 purposes of this subsection, (A) notice shall be mailed not later than
85 ten days prior to the commencement of the public hearing, (B) proof of
86 mailing shall be evidenced by a certificate of mailing, and (C) the
87 person who owns land shall be the owner indicated on the property
88 tax map or on the last-completed grand list as of the date such notice is
89 mailed. The commission's determination under subdivision (1) of this
90 subsection regarding the significance of any proposed change and
91 under subdivision (2) or (3) of this subsection regarding land that
92 could be significantly impacted by the proposed change shall not be a
93 basis of any legal claim or appeal. Notwithstanding the provisions of
94 subdivision (1) of this subsection, the provisions of subsection (a) of
95 this section shall not apply to a proposal by a zoning commission or
96 planning and zoning commission to change the allowable uses or
97 densities in all zones in the municipality. A zoning commission,
98 planning commission or combined planning and zoning commission
99 may establish a public notice registry of names and addresses to which
100 mail notice shall be made and shall place on such registry the name
101 and address of any land owner or elector and the name and address of
102 any association organized under the provisions of Section 501(c) of the
103 Internal Revenue Code of 1986, or any subsequent corresponding
104 internal revenue code of the United States, as from time to time
105 amended, of potentially interested persons, upon request of such land
106 owner, elector or association.

107 (e) Notwithstanding the provisions of this section, if an application
108 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
109 inclusive, and the time for a decision by a zoning commission or
110 planning and zoning commission established pursuant to this section
111 would elapse prior to the thirty-fifth day after a decision by the inland
112 wetlands agency, the time period for a decision shall be extended to
113 thirty-five days after the decision of such agency. The provisions of
114 this subsection shall not be construed to apply to any extension
115 consented to by an applicant or petitioner.

116 (f) The zoning commission, planning commission, zoning and

117 planning commission, zoning board of appeals or inland wetlands
 118 agency shall notify the clerk of any adjoining municipality of the
 119 pendency of any application, petition, appeal, request or plan
 120 concerning any project on any site in which: (1) Any portion of the
 121 property affected by a decision of such commission, board or agency is
 122 within five hundred feet of the boundary of the adjoining
 123 municipality; (2) a significant portion of the traffic to the completed
 124 project on the site will use streets within the adjoining municipality to
 125 enter or exit the site; (3) a significant portion of the sewer or water
 126 drainage from the project on the site will flow through and
 127 significantly impact the drainage or sewerage system within the
 128 adjoining municipality; or (4) water runoff from the improved site will
 129 impact streets or other municipal or private property within the
 130 adjoining municipality. Such notice shall be made by certified mail,
 131 return receipt requested, and shall be mailed within seven days of the
 132 date of receipt of the application, petition, request or plan. Such
 133 adjoining municipality may, through a representative, appear and be
 134 heard at any hearing on any such application, petition, appeal, request
 135 or plan.

136 Sec. 2. Section 8-2m of the 2006 supplement to the general statutes.
 137 (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	8-7d
Sec. 2	<i>from passage</i>	8-2m

Statement of Purpose:

To make uniform public notice requirement on applications to land use boards and to require notice to owner of land immediately adjacent to property on which a land use application has been filed and to repeal an annual study requirement on the definition of lakes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]